

CHAPTER NO. 742

SENATE BILL NO. 3120

By Burchett, Norris

Substituted for: House Bill No. 3311

By Hagood, Coleman, Lynn, Black, Rowland, Phillip Johnson, Stanley

AN ACT to amend Tennessee Code Annotated, Title 53, relative to donations of food.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-13-102, is amended by adding the following as a new subsection:


(c) A restaurant, convention center, or other food service establishment that serves food and is regulated pursuant to Title 68, Chapter 14, when acting as a good-faith donor of any apparently wholesome food fit for human consumption, to a bona fide charitable or nonprofit organization which operates a food bank and/or on-site feeding program for free distribution of food to combat poverty and hunger, shall not be subject to criminal penalty for violation of unfair trade practice laws or civil damages arising from the condition of the donated food, unless an injury is caused by the gross negligence, recklessness, or intentional conduct of the donor.

SECTION 2. The "Common Sense Consumption Act", enacted by the One Hundred Third General Assembly through passage of SB 2379/HB 3041 (Public Chapter ____), is amended by inserting between the word "manufacturer" and the word "packer", in subsection (a) of the amendatory language of SECTION 2 the word "producer".

SECTION 3. This act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: May 10, 2004


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 24th day of May 2004


PHIL BREDESEN, GOVERNOR